

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHILIP A. DOWNEY,	:	CIVIL ACTION
:		
Plaintiff,	:	
:		
v.	:	
:		
FIRST INDEMNITY INSURANCE, et al.,	:	No. 13-4545
:		
Defendants.	:	
:		

ORDER

AND NOW, this 14th day of October, 2016, upon consideration of “Defendants First Mercury Insurance Company and State National Insurance Company’s Motion for Summary Judgment” (Doc. No. 73), “Defendants First Indemnity Insurance, First Indemnity Insurance Agency, Inc., First Indemnity Insurance Services, Inc., First Indemnity Insurance Group, Andrew Biggio, and John M. Biggio’s Motion for Summary Judgment” (Doc. No. 79), Plaintiff’s respective responses in opposition thereto (Doc. Nos. 75, 76, 84), Defendants First Mercury and State National’s Reply (Doc. No. 77), the parties’ supplemental letter briefs (Doc. Nos. 86, 87, 88), and for the reasons set forth in this Court’s accompanying Memorandum Opinion, it is hereby **ORDERED** that:

- At Plaintiff’s request, all claims against Defendants John M. Biggio, First Indemnity Insurance Services, Inc., and First Indemnity Insurance Group are **DISMISSED**.
- Defendants First Mercury Insurance Company and State National Insurance Company’s Motion for Summary Judgment (Doc. No. 73) is **GRANTED**.

- **JUDGMENT** is entered in favor of Defendants First Mercury Insurance Company and State National Insurance Company on Plaintiff's breach of contract claim.
- Defendants First Indemnity Insurance, First Indemnity Insurance Agency, Inc., First Indemnity Insurance Services, Inc., First Indemnity Insurance Group, Andrew Biggio, and John M. Biggio's Motion for Summary Judgment (Doc. No. 79) is **GRANTED**.
- **JUDGMENT** is entered in favor of Defendants First Indemnity Insurance, First Indemnity Insurance Agency, Inc., and Andrew Biggio on Plaintiff's breach of contract claim.
- Pursuant to Federal Rule of Civil Procedure 56(f), **JUDGMENT** is entered in favor of all Defendants on Plaintiff's professional negligence claim.
- Pursuant to Federal Rule of Civil Procedure 56(f), **JUDGMENT** is entered in favor of all Defendants on Plaintiff's unjust enrichment claim.
- Pursuant to Federal Rule of Civil Procedure 56(f), **JUDGMENT** is entered in favor of all Defendants on Plaintiff's quasi-contract claim.
- Pursuant to Federal Rule of Civil Procedure 56(f), **JUDGMENT** is entered in favor of all Defendants on Plaintiff's promissory estoppel claim.
- Defendants First Indemnity Insurance and Andrew Biggio's "Request for Oral Argument" (Doc. No. 89) is **DENIED** as moot.
- The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.